

BOMBAY ACT No. L OF 1949.¹

[THE GUJARAT UNIVERSITY ACT, 1949.]

[23rd November 1949]

Amended by Bom. 19 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act to establish and incorporate a teaching and affiliating University in the Province of Bombay to be known as the Gujarat University.

WHEREAS it is expedient to establish and incorporate a teaching and affiliating University in the Province of Bombay to be known as the Gujarat University as a measure in the decentralization and reorganization of university education in the Province of Bombay; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Gujarat University Act, 1949.

(2) This section shall come into force at once.

Short title
and com-
mencement.

(3) The ²[State] Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act, shall come into force on such date or dates as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Affiliated" means affiliated under sections 5 and 33;

(2) "College" means a degree college or an intermediate college;

(3) "Degree College" means an affiliated college which is authorized to submit its students to an examination qualifying for any degree of the University;

(4) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Public Instruction, Bombay ³[State], or by an officer authorized by him in this behalf, or a high school situate outside the ³[State] of Bombay which has been registered by the University;

(5) "Hostel" means a unit of residence for students maintained or recognized by the University under this Act;

(6) "Intermediate college" means an affiliated college other than a degree college;

(7) "Principal" means the head of a college;

(8) "Recognized institution" means an institution for research or specialized studies other than an affiliated college and recognized as such by the University;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, page 652.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word "Province", *ibid.*

(9) "Registered graduate" means a graduate registered under the provisions of this Act ;

(10) "Secondary Teachers" means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by the Statutes ;

(11) "Statutes", "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University made under this Act and for the time being in force ;

(12) "Teachers" means professors, readers, lecturers and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes ;

(13) "Teachers of the University" means teachers appointed or recognized by the University for imparting instruction on its behalf ;

(14) "University" means the Gujarat University constituted under this Act ;

(15) "University Area" means the areas specified in the Schedule ;

(16) "University Department" means any collegiate, post-graduate or research institution or department maintained by the University.

CHAPTER II.

THE UNIVERSITY.

**Incorporation
of the
University.**

3. (1) The Chancellor, the Vice-Chancellor of the University and the member of the Senate, the Syndicate and the Academic Council of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "The Gujarat University".

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

**Powers of the
University.**

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(1) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge ;

(2) to make such provision as would enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(3) to organize common laboratories, libraries, museums and other equipment for teaching and research ;

(4) to establish, maintain and manage departments and institutes of research or specialized studies ;

prefer an appeal through the said officer, authority or body to the Syndicate within fifteen days from the date on which such action is communicated to him.

(5) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal, suspension and punishment of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and Ordinances.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

12. ¹[(1) (a) The Senate may, by resolution, decide that appointment shall The Rector. or shall not be made to the office of the Rector :

Provided that nothing in this section shall entitle the Senate to decide that the first Rector, if any, appointed under section 61A shall vacate his office during the period of his appointment.

(b) If the Senate decides under clause (a) that appointment shall be made to the office of the Rector, the Rector shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor. The Rector shall be a whole-time salaried officer and his emoluments and conditions of service shall be determined by the Statutes.]

(2) The powers conferred on the Vice-Chancellor by or under this Act shall, subject to the control of the Vice-Chancellor, also be exercisable, so far as may be, by the Rector.

13. The Registrar shall be a wholetime salaried officer and shall act as the The Registrar. Secretary of the Senate, of the Syndicate and of the Academic Council. He shall be appointed by the Syndicate in accordance with the Statutes to be framed in in this behalf, and his emoluments and conditions of service shall be determined by such Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes, Ordinances and Regulations.

14. The powers and duties of the officers of the University referred to in Other officers. clause (vi) of section 8 shall be such as may be prescribed by the Statutes, Ordinances and Regulations.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

15. The following shall be the authorities of the University, namely :—

Authorities
of the
University.

- (i) The Senate,
- (ii) The Syndicate,
- (iii) The Academic Council,
- (iv) The Faculties,
- (v) The Board of University Teaching,
- (vi) The Boards of Studies, and
- (vii) Such other bodies of the University as may be declared by the Statutes to be the authorities of the University.

16. (1) The Senate shall consist of the following members, namely :—

The Senate.

Class I—Ex-officio members.

- (A) (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) Ex-Vice-Chancellors of the University residing in the ²[State],

¹ This sub-section was substituted for the original by Bom. 19 of 1950, s. 2 (1).

² This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

- (iv) The Rector, if any,
- (v) The Registrar,
- (B) (i) The Chief Justice of Bombay, or any other Judge of the High Court nominated by him,
- (ii) The Minister of Education, Bombay, or an officer of Government nominated in this behalf by the Minister,
- (iii) Vice-Chancellors of other Universities established by law in the ¹[State] of Bombay,
- (iv) The Director of Public Instruction, Bombay ¹[State], or Joint or a Deputy Director of Public Instruction designated by the ²[State] Government,
- (v) The Joint Director of Technical Education,
- (vi) The Surgeon General with the Government of Bombay,
- (vii) A Director of Agriculture designated by the ²[State] Government,
- (viii) The Director of Industries, Bombay,
- (ix) A Chief Engineer with the Government of Bombay designated by the ²[State] Government,
- (x) A Conservator of Forests designated by the ²[State] Government,
- (xi) Such other *ex-officio* members not exceeding five as may be designated by the Statutes.
- (C) (i) Heads of University Departments,
- (ii) Principals of affiliated colleges,
- (iii) Heads of recognized institutions.

Class II—Ordinary members.

(A) Elected as specified below :—

(i) four members by secondary teachers of high schools excluding the head masters thereof from amongst such teachers in the manner specified by the Statutes ;

(ii) two members by head masters of high schools from amongst such head masters in the manner specified by the Statutes ;

(iii) such number of members as is specified below against each Faculty, by teachers including Principals, Heads of University Departments and Heads of recognized institutions in the subject or subjects comprised in each of the following Faculties, namely :—

(a) Arts including Education	...	...	...	six,
(b) Science	...	...	...	six,
(c) Technology including Engineering	...	...	...	four,
(d) Agriculture	...	...	...	two,
(e) Law	...	...	...	two,
(f) Medicine	...	...	...	four,
(g) Commerce	...	...	...	two,
(h) Each such additional Faculty as may be prescribed by the Statutes	...	...	...	two ;

(iv) by public associations or bodies as under :—

(a) two members by Municipal School Boards of authorised Municipalities within the University Area from amongst the members of such Municipal School Boards ;

(b) two members by District School Boards within the University Area from amongst the members of such District School Boards ;

(c) four members by the Bombay Legislative Assembly from amongst its members ;

¹ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Provincial" *ibid.*

(d) one member by the Bombay Legislative Council from amongst its members ;

(e) one member by the Ahmedabad Millowners' Association from amongst its members ;

(f) one member by registered trade Unions in the University Area designated by the Statutes, from amongst their members ;

(g) the following number of members, who shall not be persons who are teachers or secondary teachers of High Schools or Head-masters of High Schools, by registered graduates in the manner specified below :—

(1) four by registered Graduates in Arts including Education ;

(2) two by registered Graduates in Science ;

(3) two by registered Graduates in Technology including Engineering ;

(4) two by registered Graduates in Agriculture ;

(5) two by registered Graduates in Law ;

(6) two by registered Graduates in Medicine ;

(7) two by registered Graduates in Commerce ;

(8) two by registered Graduates in each of such other additional Faculties as may be prescribed by the Statutes ;

(9) two by registered Graduates in subjects not comprised in any of the Faculties provided by or under section 23 :

Provided that—

(i) every person elected under clauses (i) to (iii) and under sub-clauses (a) to (f) of clause (iv) shall continue to hold the office of a member of the Senate only so long as he is a secondary teacher or headmaster of a high school or a teacher or a member of the electing body or bodies, as the case may be ;

(ii) for the purpose of the election of ordinary members a person entitled to stand as a candidate or to vote in more than one constituency mentioned in clause (iii) and in sub-clause (g) of clause (iv) shall, before such date as may be appointed by the Statute, elect the constituency from which he desires to stand as a candidate or to vote at the election and shall not be entitled to stand or vote in more than one constituency.

(B) ¹[Twenty] members to be nominated by the Chancellor including distinguished educationists, social workers and representatives of backward communities.

(C) Five members to be elected in the manner specified below from amongst themselves by donors each donating money or property of the value of not less than one lakh of rupees—

(a) to, or for the purposes of, the University ; or

(b) to, or for the purposes of, a college or institution affiliated to or recognized by the University—

(i) If the donor is an individual, for the purpose of voting, the name of each such donor shall be enrolled on the register maintained by the University ;

(ii) If the donor is an undivided Hindu family, trust, firm, company, or body corporate, for the purpose of voting, the name of the representative nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University ;

(iii) Where sub-clause (iv) does not apply, the persons whose names are enrolled on the register under sub-clauses (i) and (ii) shall elect five members to the Senate ;

(iv) If the number of names enrolled under sub-clauses (i) and (ii) is five or less than five, each person whose name is so enrolled shall be deemed to have been elected :

¹ This word was substituted for the word "Fifteen" by Bom. 19 of 1950, s. 3.

Provided that the right of electing members on the Senate shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the college, institution or Syndicate, as the case may be.

Explanation.—For the purposes of paragraph (C) the value of the property means the market value of the property at the date of acceptance of the donation by the college, institution or Syndicate, as the case may be.

(2) The term of office of the elected members and of the members referred to in paragraph (B) in Class II shall be five years.

Meetings of
the Senate.

17. (1) The Senate shall, on a date to be fixed by the Chancellor, meet once a year at a meeting to be called the annual meeting of the Senate.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than twenty-five members of the Senate, convene a special meeting of the Senate.

Powers and
duties of the
Senate.

18. (1) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties, namely :—

(i) to make provision for instruction, teaching and training in such branches of learning and courses of study as it may think fit, for research and for the advancement and dissemination of knowledge ;

(ii) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(iii) to organize and make provision for common laboratories, libraries, museums and other equipment for teaching and research ;

(iv) to establish and maintain departments and institutes of research and specialized studies ;

(v) to institute professorships, readerships, lecturerships and any other post of teachers required by the University ;

(vi) to institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(vii) to institute and confer degrees, titles, diplomas and other academic distinctions ;

(viii) to confer, on the recommendation of the Syndicate, honorary degrees, titles or other academic distinctions ;

(ix) to make, amend or repeal the Statutes ;

(x) to consider, cancel, refer back but not amend Ordinances ;

(xi) to consider and pass resolutions on the annual reports, annual accounts and financial estimates ;

(xii) to consider the annual financial estimates prepared by the Syndicate and pass resolutions with reference thereto ;

(xiii) to elect office-bearers and authorities as provided in the Act and the Statutes ;

(xiv) to make provision relating to the use of Gujarati or Hindi in Devnagari script or both as a medium of instruction and examination ;

(xv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes, Ordinances and Regulations.

(2) The powers and duties under clauses (i) to (xiii) of sub-section (1) shall not be exercised except upon the recommendations made by the syndicate and the Academic Council.

59. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes Ordinances, Regulations and Rules framed thereunder.

Protection of
acts and
orders.

CHAPTER XII.

TRANSITORY PROVISIONS.

60. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situate within the University area and affiliated to the University of Bombay who immediately before the date on which section 5 came into force was studying or was eligible for any examination of the University of Bombay shall be permitted to complete his course in preparation therefore, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the University of Bombay.

Completion of
courses of
students in
Colleges affi-
liated to the
Bombay Uni-
versity.

61. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be appointed by the ¹[State] Government as soon as practicable after the passing of this Act for a period not exceeding two years and on such terms and conditions as the ¹[State] Government thinks fit.

Appointment
of first Vice-
Chancellor.

Bom.
XIX
of
1950.

²[61A. Notwithstanding anything contained in section 12, the State Government may appoint the first Rector for a period not exceeding two years from the date on which the Gujarat University (Amendment) Act, 1950, comes into force and on such terms and conditions as the State Government thinks fit.]

Appoint-
ment of first
Rector.

62. Notwithstanding anything contained in section 13, the first Registrar shall be appointed by the ¹[State] Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the ¹[State] Government thinks fit.

Appointment
of first
Registrar.

63. (1) It shall be the duty of the first Vice-Chancellor—

(a) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 35, and

Transitory
powers of
first Vice-
Chancellor.

(b) to make arrangements for constituting the Senate, the Syndicate, the Academic Council and other authorities of the University, within six months after the date of his appointment or such longer period not exceeding one year as the ¹[State] Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the ¹[State] Government—

(a) subject to the provisions of the Act and the approval of the Chancellor,—

(i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,

(ii) draw up any rules that may be necessary for regulating the method of election to the aforesaid authorities,

(b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² Section 61A was inserted by Bom. 19 of 1950, s. 4.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the ¹[State] Government may, by notification in the *Official Gazette*, direct.

(4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

First appointment of the officers and teachers of the University.

64. (1) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor.

(b) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefore.

Extraordinary powers of the first Vice-Chancellor.

65. The Vice-Chancellor appointed under section 61 shall have powers until the Syndicate commences to exercise its functions—

(a) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(c) subject to the control of the ¹[State] Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(d) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(e) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(f) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

Removal by ¹[State] Government of difficulties at the commencement of the Act.

66. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the ¹[State] Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

The Khots Leases Act, 1865 (Bom. 1 of 1865), at pages 261-264 has been repealed by the Bombay Khoti Abolition Act, 1949 (Bom. 6 of 1950), section 17, Schedule.